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Attorneys for Defendant
GLEN EDWARD GARNER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 2:18-cr-00317-JAD-VCF
)	
v.)	
)	
GLEN EDWARD GARNER,)	
)	
Defendant.)	

**STIPULATION AND ORDER TO CONTINUE DEADLINE FOR FILING OF
PRETRIAL MOTIONS AND RELATED DATES**
(Seventeenth Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Defendant GLEN EDWARD GARNER, by and through his attorney (Richard J. Pocker, Esq. of the law firm of Boies Schiller Flexner LLP), and the Plaintiff UNITED STATES OF AMERICA (hereinafter, “the Government”), by and through its attorney (Assistant United States Attorney Susan Cushman), that the deadline for the filing of pretrial motions be extended to June 15, 2021, and the due date for any responses to pretrial motions be extended to June 29, 2021.

This Stipulation is entered into for the following reasons:

1. The present case is currently set for trial on September 14, 2021. The date by which pretrial motions are to be filed is June 4, 2021.

1 2. As set forth in great detail in earlier filings and stipulations, the discovery period
2 in the present case has been different than in ordinary criminal cases, in that motions practice
3 has resulted in a more voluminous production of evidence and documents by the Government.
4 Moreover, the vast majority of the produced materials were disclosed after the commencement
5 of the COVID-19 public health crisis, including hours of recorded conversations gathered
6 through a Title III wiretap.

7 3. Defendant GARNER has recently been present in counsel's office to review the
8 extensive recordings provided by the Government, including the hours of recorded telephone
9 calls including pertinent intercepted Title III recordings and other recordings associated with
10 controlled buys in this case. Defendant GARNER has painstakingly reviewed most of those
11 materials and recordings over the past several weeks, but slightly more time to review and
12 consider the materials is necessary. Consequently, Defendant GARNER requests this
13 extension of the motions deadline to June 15, 2021.

14 4. Defendant GARNER, his counsel and his expert, Michael Levine, have been
15 engaged in analyzing evidence and preparing to file necessary pretrial motions. Counsel for
16 Defendant GARNER requests additional time to review and analyze the discovery materials
17 provided by the Government, and to finalize arrangements to meet and strategize with
18 Defendant GARNER as well as to receive and utilize the remote assistance of Mr. Levine.
19 Given the necessity of preparing and assembling such motions in a situation where face to face
20 meetings between client and counsel were, until recently inadvisable and where counsel's staff
21 is still largely working remotely, a short additional extension of deadlines related to pretrial
22 motions is necessary. Such an extension will have no effect on the September 14, 2021 trial
23 setting. The parties hereby agree that the due date for pretrial motions should be extended to
24 June 15, 2021, and that the deadline for responding to these motions be extended to June 29,
25 2021.

26 5. Counsel for the Government does not oppose the Defendant's request for a
27 continuance of the due date for pretrial motions. Counsel for Defendant GARNER is also in
28 agreement that, should the Government require additional time to respond to such motions, the

1 defense will stipulate to such an extension. Moreover, the anticipated meet and confer process
2 with respect to the contemplated motions may be far more effective in whittling down the
3 issues between the parties with the requested extension granted.

4 6. Defendant GARNER is free on pretrial release pending trial, and has no
5 objection to the requested continuance, as it will enhance the thoroughness of his trial
6 preparation. He is insistent on receiving and reviewing as much helpful and useful evidence as
7 possible in response to his earlier motions, and to having his pretrial motions as comprehensive
8 as possible.

9 7. Denial of this request for continuance will result in a miscarriage of justice,
10 given the necessity of further informed preparation by Defendant GARNER and his counsel.

11 8. The extension of deadlines contemplated by this Stipulation does not impact the
12 currently scheduled trial date of September 14, 2021. Nonetheless, the additional time
13 requested by this Stipulation is excludable in computing the time in which the trial herein must
14 commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section
15 3161(h)(7)(A), when considering the factors under Title 18, United States Code, Sections
16 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

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By: /s/ Susan Cushman

 SUSAN CUSHMAN
 Assistant United States Attorney

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